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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,635	07/28/2003	Claudio Ricci	37999/GM/ch	3587

7590 01/26/2005

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EXAMINER

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/627,635

Applicant(s)

RICCI, CLAUDIO

Examiner

Travis R Hunnings

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because figure 1 does not provide a descriptive legend or descriptive labels for the drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. The abstract of the disclosure is objected to because it is not in sentence form. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Zimmermann et al. (Zimmermann; US Patent 3,836,842).

Regarding claim 1, Zimmermann discloses *Encapsulated Electrically Resonant Circuit and Interrogating Apparatus and Method for Finding Same in Various Locations* that has the following claimed subject matters:

The claimed antenna is met by the antenna in the induction coil that is preferably of the loop variety (col3 15-30);

The claimed pulse generation means is met by the pulse generator (20);

The claimed means adapted to feed said antenna with said pulses is met by the pulse generator being connected to the induction coil having the antenna (col6 48-67);

The claimed means for measuring the damped oscillation of said antenna as a consequence of being fed with said pulses is met by the device detecting the damped oscillatory response (col7 44-56);

The claimed means for measuring the damped oscillations of said antenna determining whether a transponder is present or not in the proximity of said antenna on the basis of the characteristics of said damped oscillations is met by the device determining whether or not a transponder device is present by measuring the damped oscillatory response and determining that a transponder exists when there is a response of sufficient amplitude (col7 60-64).

Regarding claim 6, Zimmermann discloses all of the claimed limitations. The claimed pulse generation means generating a series of synchronous pulses is met by the induction field being generated on a repetitive basis (col7 26-29).

Regarding claim 7, the claim is interpreted and rejected as claim 1 stated above.

Regarding claim 9, Zimmermann discloses all of the claimed limitations. The claimed step consisting in detecting the damped oscillations of said antenna comprises the step consisting in determining the amplitude of the damped oscillations of said antenna is met by the device discriminating between the damped oscillatory response and regular signal noise (col7 60-64). The device would have to determine the

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amplitude of the damped signal in order to discriminate between a presence and the regular noise.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann in view of Frecksa et al. (Frecksa; US Patent 6,693,512).

Regarding claim 2, Zimmermann discloses all of the claimed limitations except for the claimed device being a device for reading/writing said transponder and said antenna is the antenna of said read/write device. Frecksa discloses *Device Location and Identification System* that teaches a transponder based system that can detect when a transponder is located in the area of the device and the device is also able to read/write to the transponder (col3 40-55). It would be beneficial to modify the device of Zimmermann to be able to read/write to the transponder in order to modify or read the information stored on the transponder device. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed

by Zimmermann according to the teachings of Frecksa to be able to read/write to the transponder device.

Regarding claim 8, the claim is interpreted and rejected as claim 2 stated above.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann in view of Karr (US Patent 5,661,470).

Regarding claims 3-5, Zimmermann discloses all of the claimed limitations except for the claimed pulse generation means comprising a microprocessor or microcontroller; the claimed means for measuring the damped oscillations of said antenna comprise a microprocessor or microcontroller; and the claimed means for feeding said antenna with said pulses comprising a microprocessor or microcontroller. Karr discloses *Object Recognition System* that teaches a transponder based system that is used to locate particular transponders which utilizes a microprocessor to control, sense and decode the signals of the system including providing a pulse generation, providing that pulse generation to the antenna and decoding the response of the transponder devices in order to determine if they are present (col3 19-25 and col4 27-45). It would be easier to use a microprocessor to control all of the functions provided in the device of Zimmermann because of their common usage and ease of programming to suit many different needs. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Zimmermann

according to the teachings of Karr to include a microprocessor to generate the pulses, provide those pulses to the antenna and detect the response when a transponder is present.

***Allowable Subject Matter***

8. Claims 10-14 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masuko, *Object Detector which Compares Returned...* US Patent 4,512,000

Slawinski et al. *Inductive Coupled Object Identification...* US Patent 5,083,113

Shelton et al. *Apparatus and Method for Sensing...* US Patent 5,790,031

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

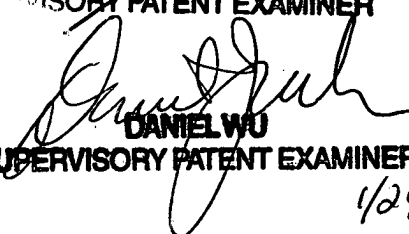


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH

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1/24/05